

Application Serial No.: 09/584,182  
Amendment filed on June 26, 2003  
Reply to Office Action dated March 26, 2003

### **REMARKS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 3-8 are presently active in this case, Claims 1, 3, and 4 having been amended in the present Amendment.

In the outstanding Official Action, Claims 1 and 3-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holt (GB 2,140,765) in view of Buchman et al. (U.S. Patent No. 5,020,302). For the reasons discussed below, the Applicants request the withdrawal of the obviousness rejection.

Independent Claims 1, 3, and 4 each recite a method for inserting an item into a receptacle using an apparatus having a hollow cylindrical tube section having a first opening and a second opening and a hollow flared section having a narrow opening and a wide opening, where the narrow opening being connected to the first opening. The methods of the various independent claims then define various steps utilizing the apparatus defined above. The Applicants submit that the cited references do not disclose a method for inserting an item into a receptacle using an apparatus having *a hollow cylindrical tube section* and a hollow flared section, as defined in independent Claims 1, 3, and 4 of the present application.

The Official Action cites guide cone (20) for both the teaching of the tube section and the flared section recited in Claims 1, 3, and 4. In fact, the Holt reference merely describes and depicts a guide cone (20) that is in the shape of a truncated cone, and does not include a cylindrical tube section. A transparent plastic packaging tube (22) is placed on an end of the guide cone (20), however, the packaging tube (22) is a separate structure from the guide cone (20) and the packaging tube (22) is analogous to the receptacle of the present invention. As

can clearly be seen in the figure of the Holt reference, the guide cone (20) only extends a short distance. Note that the transparent plastic packaging tube (22) can be seen through the center of the guide cone (note the surface shading of the transparent tube (22) extends to the edge of the guide cone (20)).

Claims 1, 3, and 4 of the present application expressly recite methods that utilize an apparatus having *a hollow cylindrical tube section and a hollow flared section*. Such a configuration advantageously provides for the positioning of a receptacle over an exterior surface of the cylindrical tube section, as recited in Claims 1, 3, and 4. These limitations are not disclosed or suggested by the Holt reference.

Furthermore, the Applicants submit that the Buchman et al. reference does not supplement the deficiencies in the teachings of the Holt reference discussed above. The Buchman et al. reference does not disclose any type of apparatus upon which a receptacle is positioned. The Buchman et al. reference merely describes inserting a roll of plastic bags directly into a receptacle in the form of a carton having a square cross-section.

Since the cited references, either taken singularly or in combination neither, failed to disclose all of the limitations recited in independent Claims 1, 3, and 4, then the Applicants submit that a *prima facie* case of obviousness as defined in MPEP 2143 cannot be established with respect to Claims 1, 3, and 4. No motivation exists to modify the teaching of the cited references to arrive at the present invention, absent the improper use of hindsight in light of the present invention. Thus, the Applicants respectfully request the withdrawal of the obviousness rejection of Claims 1, 3, and 4.

Claims 5-8 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of

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the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

If the Examiner believes that the above amendment does not place the application into condition for allowance, and if the Examiner believes that the prosecution of the present application can be furthered through a discussion with Applicants' representative, then the Examiner is hereby requested to contact Applicants' representative, Christopher Ward, at (703) 412-6228.

Respectfully Submitted,

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